

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEVIN MCCRAY,	§
	§ No. 543, 2008
Defendant Below,	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr. ID 0208020744
	§
Plaintiff Below,	§
Appellee.	§

**ORDER**

This 2<sup>nd</sup> day of February 2009, it appears to the Court that appellant, Kevin McCray, filed this appeal from a Superior Court order denying his motion for appointment of counsel and his motion for funds for a psychiatric evaluation. McCray apparently sought the requested relief in order to pursue postconviction relief in the Superior Court. The State has filed a motion asking that McCray's appeal be remanded to the Superior Court with instructions to appoint counsel to represent McCray and to order a psychiatric evaluation to determine if McCray has regained competence in order to pursue postconviction relief. McCray has not responded to the State's motion. Accordingly, we deem it to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within appeal is REMANDED to the Superior Court for further proceedings consistent with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice